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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,809	07/07/2000	David K. Chin	BRCMP002	6867
7590 12/21/2005 CHRISTIE, PARKER & HALE P.O. BOX 7068 PASADENA, CA 91109-7068			EXAMINER COLIN, CARL G	
			ART UNIT 2136	PAPER NUMBER

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/611,809

Applicant(s)

CHIN ET AL.

Examiner

Carl Colin

Art Unit

2136

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-27.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  
13. ☐ Other: \_\_\_\_\_.

*CCP*  
*Primary Examiner*  
*AU 2136*  
*12/19/05*

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, pages 10-16, filed on 6/27/2005, with respect to the rejection of claims 1-27 have been fully considered, but they are not persuasive. In response to Applicant's argument that "The software of Hobson is thus merely used to control the order of the operations (1) -(9). No determination is made here at to "whether to perform a modular square or a modular multiply" as described by Hobson at column 6, lines 44 - 49. That determination is an entirely different part of the Hobson system." Examiner respectfully disagrees. Column 8, lines 28-30 and column 1, lines 40-50 recited in the Office action show support that there is teaching that a processor is configured to issue instructions and that a unit can issue instruction to another unit. With regard to "whether to perform a modular square or a modular multiply", column 6, lines 44-49 recite for instance "a current bit is used to decide whether to perform a modular square or modular multiply". Hobson, column 6, lines 44-49, recite "In the known co-processor, in order to perform exponentiation operations as required for RSA Public Key systems, the CPU has to regulate the exponentiation process under software control by examining each exponent bit in sequence. The current bit is used to decide whether to perform a modular square or a modular multiply. The exponent value is stored in memory and is read by the CPU one byte at a time as needed. The current bit value is determined by an instruction sequence. As the co-processor requires the CPU to provide the A value during the modular operation, the determination of the exponent bit can only happen between modular operations. Only then can the CPU control the co-processor mode of operation." Hobson discloses one unit is configured to issue instructions to another unit to decide whether to perform a modular square or multiply, and not left alone the teaching of Fisher as explained in the rejection of claim 1 in the last Final Office action. Regarding Applicant's statement that no teaching is found in Fisher, Applicant's arguments fail to address the citations in Fisher provided by the Examiner in the final rejection on 9/28/05, on the other hand they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references; teaching is provided to Applicant as the Final Office Action clearly points out with citations how the claims are rendered obvious over the prior art as combined. For at least the reasons cited above and in the Final Office Action, the request for reconsideration has been considered but does not place the application in condition for allowance.